



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Cases: 66312A and
66313A

3 May 2012

Mr. Rich Jones
MuckRock News, Dept MR 1066
P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Jones:

This responds to your two Freedom of Information Act (FOIA) requests of 1 February 2012, which were received by this office on 2 February 2012, for the following:

- FOIA Case 66312 – “All documents mentioning Asrar Al-Moujahedeen encryption software.”
- FOIA Case 66313 – “All documents mentioning the 2048 bit public keys titled ‘Al-Ekhlaas Network ASRAR El Moujahedeen V2.0 Public Key.’”

As previously provided, your letters have been assigned Case Numbers as noted. Please refer to these case numbers when contacting us about your requests.

For purposes of these requests and based on the information you provided in your letters, you are considered an “all other” requester. Your requests have been processed under the provisions of the FOIA. There are no assessable fees for these requests; therefore, we did not address your request for a waiver of fees.

We have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 13526, as set forth in Subparagraph (c) of Section 1.4. Thus, your requests are denied pursuant to the first exemption of the FOIA which provides that the FOIA does not apply to matters that are specifically authorized under criteria established by an Executive Order to be

kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. The third exemption of the FOIA provides for the withholding of information specifically protected from disclosure by statute. Thus, your requests are also denied because the fact of the existence or non-existence of the information is exempted from disclosure pursuant to the third exemption. The specific statutes applicable in this case are Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D. M. Janosek. As your requests are being denied, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days of the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the adverse determination and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes that the determination is unwarranted. The NSA/CSS FOIA Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michelle Smith for", written in dark ink.

PAMELA N. PHILLIPS

Chief

FOIA/PA Office